

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Willard Junior Alston

Docket No. 5:08-CR-139-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Willard Junior Alston, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute More Than 500 Grams of Cocaine, in violation of 21 U.S.C. § 846 and Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on February 10, 2009, to the custody of the Bureau of Prisons for a term of 96 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Willard Junior Alston was released from custody on April 20, 2015, at which time the term of supervised release commenced. On February 23, 2016, a Violation Report was submitted advising that the defendant was charged in Wilson County, North Carolina, with two counts of Misdemeanor Assault on a Female (16CR50645-6). According to the Warrants for Arrest, on February 18, 2016, Alston willfully did assault his sister and niece by "slapping, punching, and pushing the victims." Alston was immediately released after posting a \$1,000 unsecured bond. The defendant resides with his mother, who is disabled. According to Alston, his sister and her daughter came to their residence and accused him of stealing money from their mother's checking account. A verbal argument ensued, but Alston denied assaulting them. He was instructed to have no contact with the complainants, and the court agreed to continue supervision until adjudication of these new charges.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On May 2, 2016, the defendant was found guilty of two counts of Assault on a Female in Wilson County District Court (16CR50645-6). Alston was sentenced to 150 days, which was suspended, and he was placed on probation for a period of 12 months. Additionally, he was ordered to a \$500 fine. The defendant appealed this sentence. On February 7, 2017, this case was remanded. As a sanction for these convictions, the probation office is recommending that he be placed on 60 days home detention. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: February 18, 2017

ORDER OF THE COURT

Considered and ordered this 21 day of February, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge